

Page 1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
Case No. 05-44481-RDD (Jointly Administered)  
- - - - -x

In the Matter of:

DPH HOLDINGS CORP., et al.,

Reorganized Debtors.

- - - - -x

United States Bankruptcy Court  
300 Quarropas Street  
White Plains, New York

December 17, 2010  
2:33 PM

B E F O R E:  
HON. ROBERT D. DRAIN  
U.S. BANKRUPTCY JUDGE

1 THE COURT: No, but again, we're talking about -- I'm  
2 sorry maybe this terminology is misleading people. But the  
3 universal issue is whether each complaint, A, is one that  
4 passes muster for purposes of a Rule 15 motion. And B, as a  
5 subset of that, would meet Twombly and Iqbal. And obviously  
6 they're going to have to, in answering that question for each  
7 complaint; they're going to have to respond to each objector's  
8 individual position as to whether the complaint does that. And  
9 they're going to have to do it either by, you know, two or  
10 three paragraphs on each objection or a long chart detailing  
11 each objection. But they're going to have to show that, yes,  
12 we have alleged the antecedent debt because, you know,  
13 notwithstanding what the objection says X or Y or whatever,  
14 whatever they come up with.

15 MS. CALTON: Well this is a unique futility issue and,  
16 I guess the point that I believe Mr. Winsten was trying to make  
17 is Delphi should be directed to pay their attention to it.  
18 Yes, it won't be heard on February 17th --

19 THE COURT: No, no. It will be heard.

20 MR. WINSTEN: It's going to be heard.

21 THE COURT: It's going to be heard. It'll be heard on  
22 the 17th.

23 MS. CALTON: Okay.

24 THE COURT: They have to respond in their brief to  
25 that. That's not something that need to take discovery on and